



CITY OF DULUTH

Planning Division

411 W 1st St, Rm 208 * Duluth, Minnesota 55802-1197

Phone: 218/730.5580 Fax: 218/723-3559

STAFF REPORT

File Number	PL 15-034	Contact	Steven Robertson, 218 730 5295	
Application Type	Partial Vacation of South Street	Planning Commission Date	March 10, 2015	
Deadline for Action	Application Date	February 25, 2015	60 Days	April 26, 2015
	Date Extension Letter Mailed	February 26, 2015	120 Days	June 25, 2015
Location of Subject	2120 London Road			
Applicant	Harbor Bay Real Estate Advisors	Contact		
Agent	City of Duluth, Business Development	Contact	ceng@duluthmn.gov	
Legal Description	See attached			
Site Visit Date	Nov 1, 2014; Feb 2, 2015	Sign Notice Date	February 24, 2015	
Neighbor Letter Date	Feburary 26, 2015	Number of Letters Sent	15	

Proposal

Applicant is proposing a partial vacation of the South Street platted Right of Way, generally between South 21st and 22nd Avenues East.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-C	Commercial	Central Business Secondary
North	MU-N	Commercial	Neighborhood Mixed Use
South	MU-C	Residential, Vacant	Central Business Secondary
East	MU-N	Commercial	Central Business Secondary
West	F-2	Commercial	Neighborhood Mixed Use

Summary of Code Requirements (reference section with a brief description):

Vacation of public rights of way and/or easements require a Planning commission public hearing with a recommendation to City Council. City Council action is to approve or deny by resolution. Resolutions approving either a full or partial vacation require a 6/9's vote of the council.

Code requirements are found in UDC Section 50-37.6. The Planning Commission shall review the proposed vacation, and council shall approve the proposed vacation, or approve it with modifications, if it determines that the street, highway, or easement proposed for vacation:

1. Is not and will not be needed for the safe and efficient circulation of automobiles, trucks, bicycles or pedestrians or the efficient supply of utilities or public services in the city;
2. Where the street terminates at a waterfront or shoreline, the street is not and will not be needed to provide pedestrian or recreational access to the water;
3. Is not otherwise needed to promote the public health, safety or welfare of the citizens of Duluth.

Comprehensive Plan Findings (Governing Principle and/or Policies) and Current History (if applicable):

Future Land Use - Central Business Secondary: An area adjacent to and supporting the primary central business area or a stand-alone area providing a similar mix of destination land uses but at a lower intensity than the primary central business area. Includes mixed regional and neighborhood retail, employment centers, public spaces, medium density residential, and public parking facilities. Governing Principle #1 - Reuse previously developed lands.

UDC 50-15.3 - MU-C Purpose: Established to provide for community and regional commercial development along commercial corridors and nodal centers. Intended non-residential uses include retail, lodging, service, and recreational facilities needed to support the community and region.

History: This property was rezoned from MU-B/MU-N to MU-C in April 2013. A MU-C Planning Review was submitted for this site for a mixed use (commercial and residential development) and approved at the November 2014 Planning Commission meeting. A vacation for the alley/easement was reviewed by the Planning Commission at the January 9, 2015, Planning Commission meeting (PL 14-177).

Discussion (use numbered or bullet points; summarize and attach department, agency and citizen comments):

- 1) Applicant is proposing a partial vacation of the South Street platted Right of Way, generally between South 21st and 22nd Avenues East.
- 2) Only the northern 1/2 of the South Street platted right of way is being requested for vacation. MnDOT is the property owner to the south, and is requesting that the southern half of the platted right of way be left intact. MnDOT concurs with this partial vacation application.
- 3) The applicant will relocate existing utilities at the applicant's expense. The applicant has submitted a draft Utility Relocation Plan (dated 2/23/15) that has been reviewed and approved by the City's Chief Engineer of Utilities.
- 4) This vacation, if approved, will not deprive any currently platted lots of access to a public right of way. The vacation, if approved, is not and will not be needed for the safe and efficient circulation of automobiles, trucks, bicycles or pedestrians or the efficient supply of utilities or public services in the city (as long as the utilities are relocated per the Utility Relocation Plan); the easement is not and will not be needed to provide pedestrian or recreational access to the water; and the easement is not otherwise needed to promote the public health, safety or welfare of the citizens of Duluth.
- 5) This vacation request is related to the alley easement vacation request that was reviewed by the Planning Commission in January. The alley easement vacation was conditioned that public utilities would be rebuilt and replaced before the request went to the City Council for final action. City staff believe that both vacation requests can go before the City Council for action, but with the granting of the vacations conditioned upon the following: a) the relocation of the municipal utility lines with an easement granted to the City over Lot 16, Block 25, Endion Division and permission granted by MnDot to construct municipal utilities in the south half of South Street, b) the proposed new utilities built to city standards are in a manner approved by the city engineer, c) record drawings are submitted and accepted by the city engineer, and d) the vacation shall not be recorded in the St. Louis County Recorder's Office until items a, b, and c are met.
- 6) No comments from the general public concerning the vacation.

Staff Recommendation (include Planning Commission findings, i.e., recommend to approve):

Based on the above findings, Staff recommends that Planning Commission recommend approval of the vacation, with the following conditions:

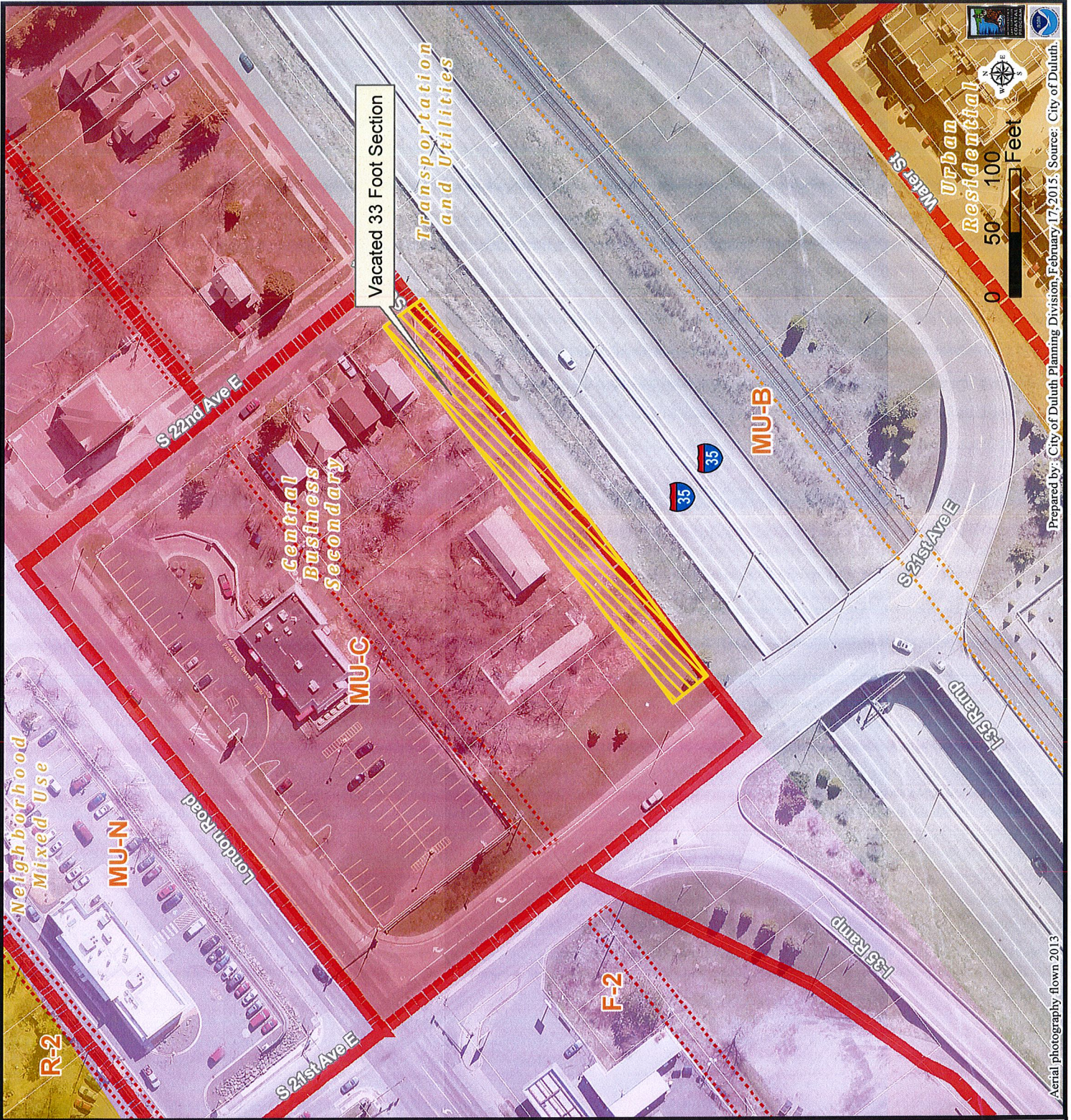
- 1) Utilities to be relocated, built to city standards, and accepted by the City; and as-built drawings of the utilities to be accepted by the City, as per section 5 in the discussion section above.
- 2) The vacation resolution will not be recorded at the County Recorder's Office until all the items in condition #1 are met.

Attachments (aerial photo with zoning; future land use map; site plan; copies of correspondence)



City Planning

South Street



Aerial photography flown 2013

Prepared by: City of Duluth Planning Division, February 17, 2015. Source: City of Duluth

Legend

Easement Type

Easement Type

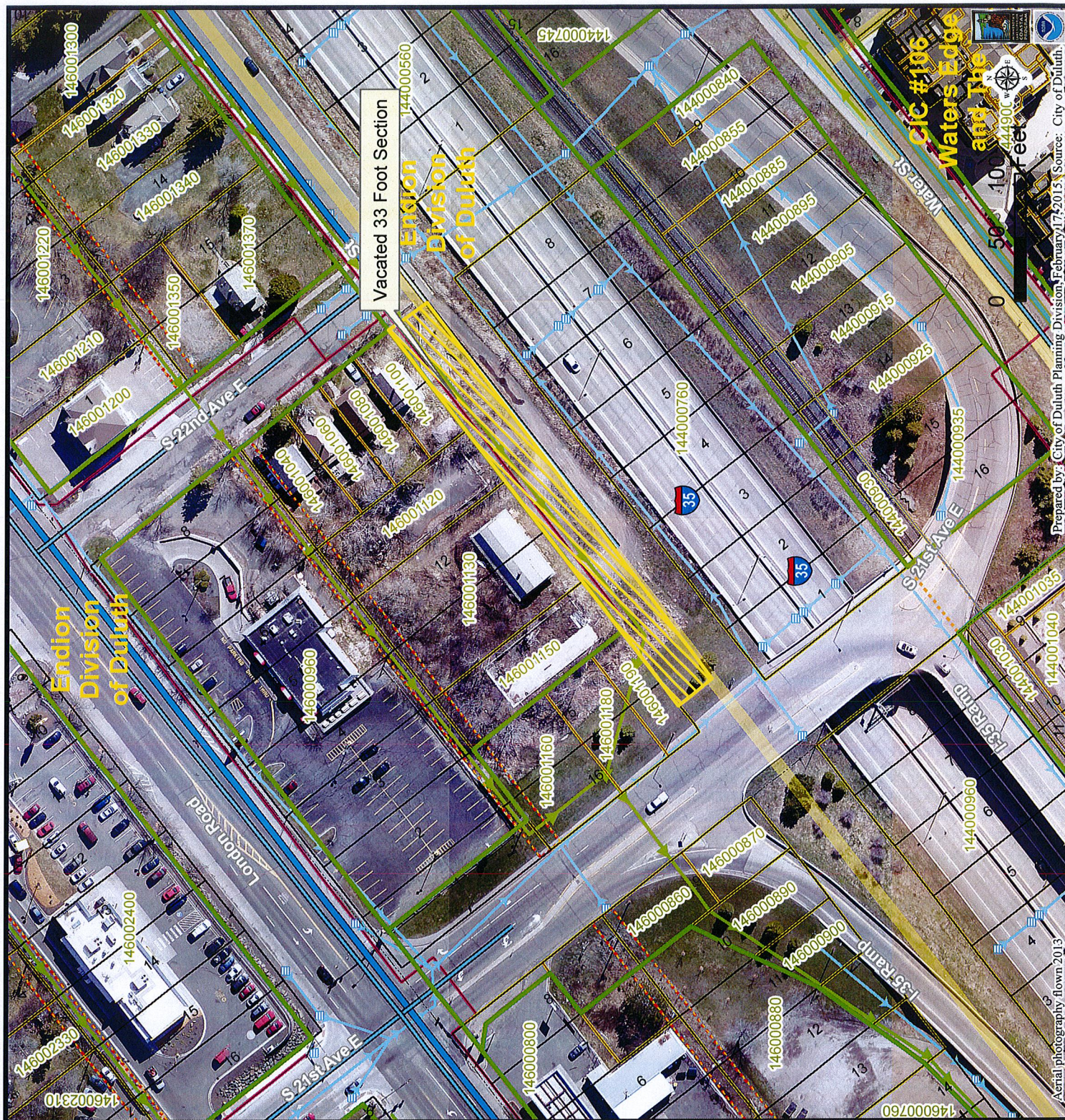
Utility Easement

Other Easement

ROW STATUS

Vacated ROW

The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used as one. The drawing/data is a compilation of records, information and data located in various City, County and State offices and other sources affecting the area shown and is to be used for reference purposes only. The City of Duluth shall not be liable for errors contained within this data provided or for any damages in connection with the use of this information contained within.



Aerial photography flown 2013

Prepared by: City of Duluth Planning Division, February 17, 2015. Source: City of Duluth.

Legend

Easement Type

Easement Type

Utility Easement

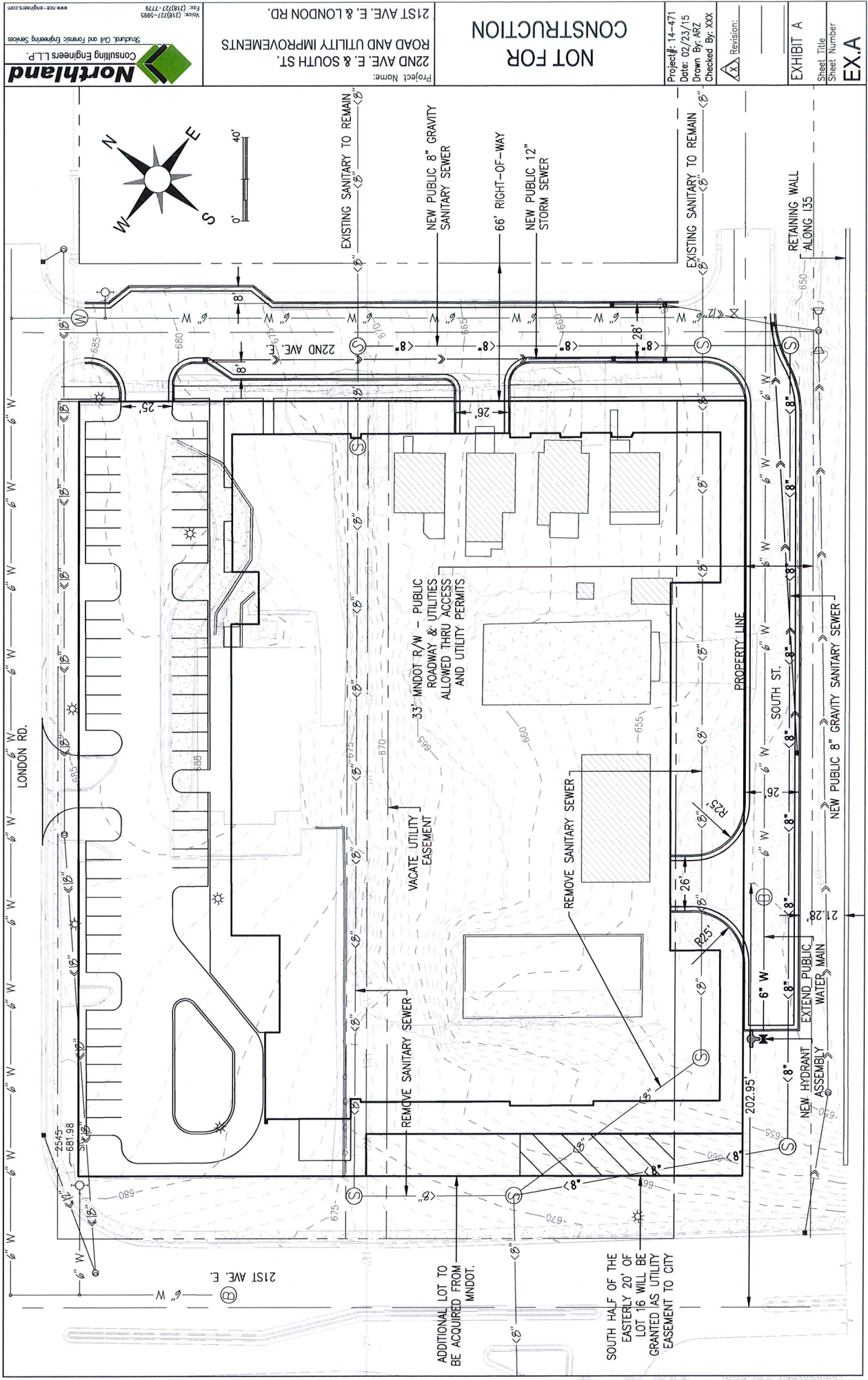
Other Easement

ROW STATUS

Vacated ROW

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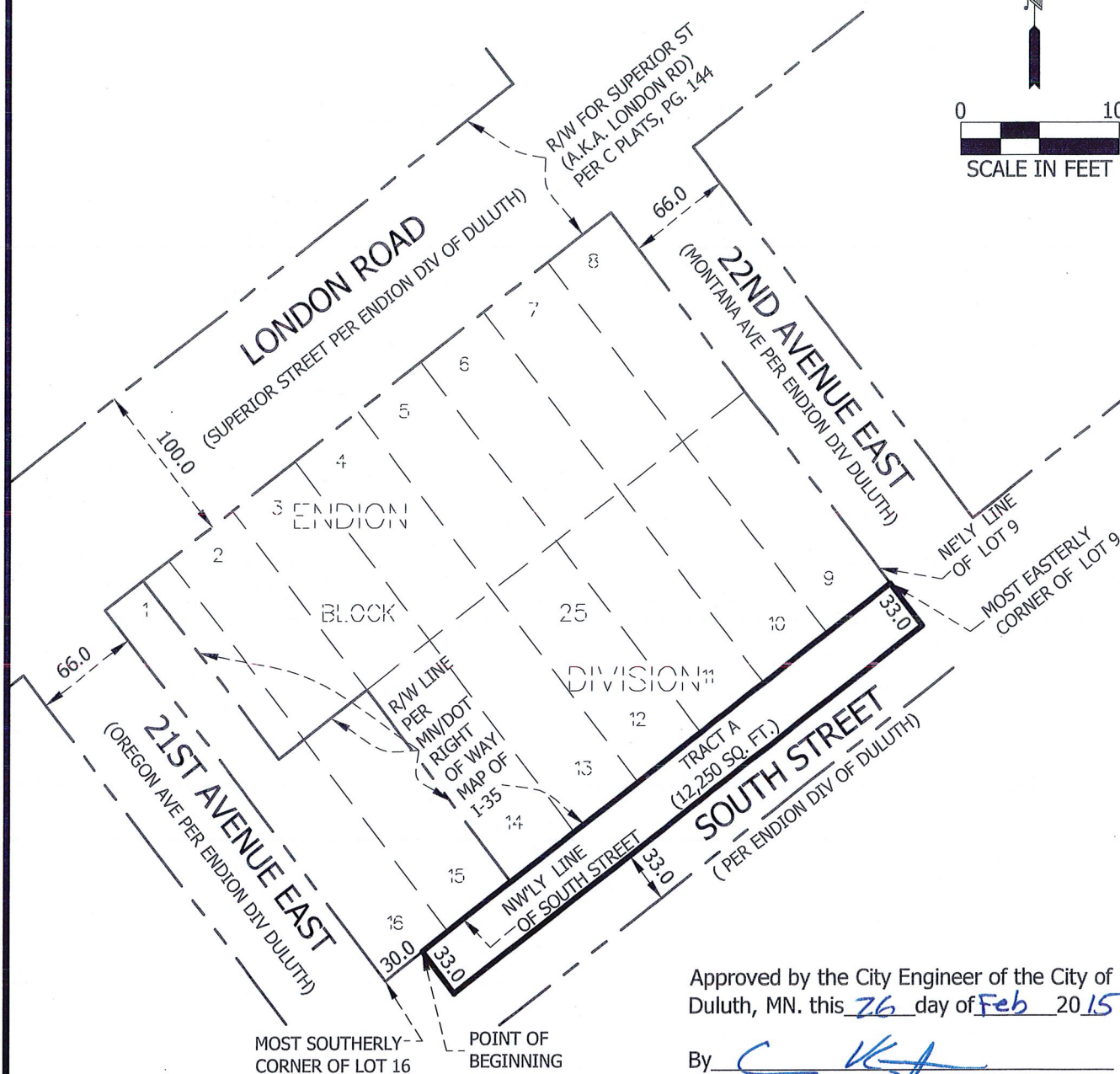
NOT FOR
CONSTRUCTION

Project Name:
22ND AVE. E. & SOUTH ST.
ROAD AND UTILITY IMPROVEMENTS
21ST AVE. E. & LONDON RD.

Northland
Consulting Engineers L.P.
Structural, Civil and Forensic Engineering Services
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Voice: (218) 737-7779
Fax: (218) 737-7779

Project #: 14-471
Date: 02/23/15
Drawn By: ARZ
Checked By: XXX
Revision:
EXHIBIT A
Sheet Title
Sheet Number
EX.A

Beginning at a point 30 feet Northeasterly of the most Southerly corner of Lot 16, Block 25, ENDION DIVISION OF DULUTH; thence run Southeasterly, deflecting to the right 90 degrees 00 minutes 00 seconds for 33 feet to a point in South Street; thence run Northeasterly parallel to the Northwesterly line of South Street to a point 33 feet Southeasterly of the extension of the Northeast line of Lot 9, Block 25, ENDION DIVISION OF DULUTH; thence run Northwesterly to the most Easterly point of Lot 9, Block 25, ENDION DIVISION OF DULUTH; thence run Southwesterly along the Northwesterly line of South Street to the Point of Beginning.



Approved by the City Engineer of the City of
Duluth, MN. this 26 day of Feb 2015

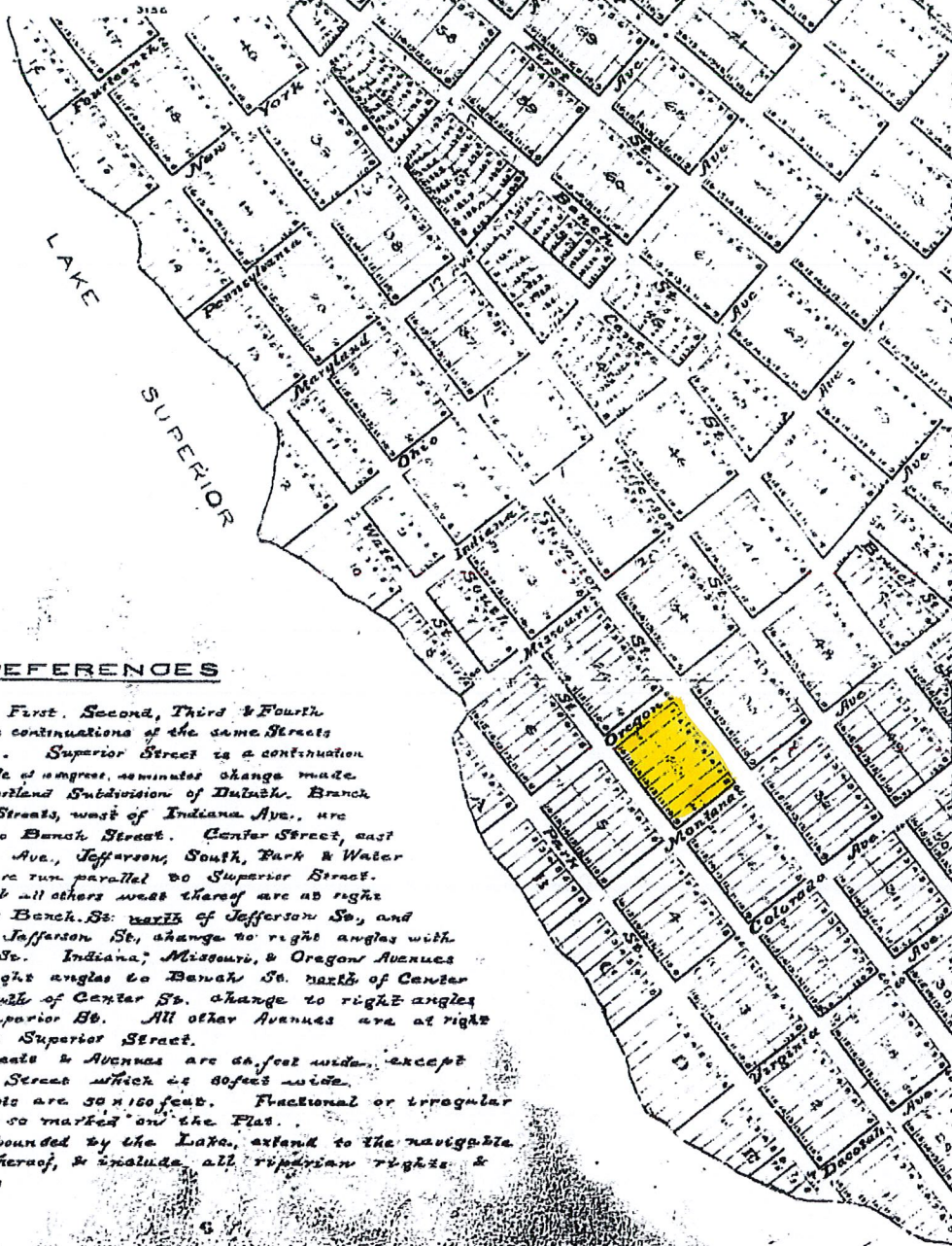
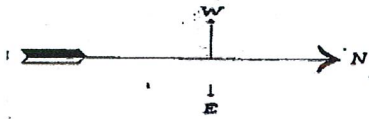
By C KA

David R. Evanson

* LAND SURVEYING
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OF DULUTH



REFERENCES

Benck, First, Second, Third & Fourth Streets are continuations of the same Streets in Duluth. Superior Street is a continuation of the angle of ingress, semitates change made in the Portland Subdivision of Duluth. Branch & Center Streets, west of Indiana Ave., are parallel to Benck Street. Center Street, east of Indiana Ave., Jefferson, South, Park & Water Streets are run parallel to Superior Street. Ohio Ave & all others west thereof are at right angles to Benck St. north of Jefferson St., and south of Jefferson St., change to right angles with Superior St. Indiana, Missouri, & Oregon Avenues are at right angles to Benck St. north of Center St. & south of Center St., change to right angles with Superior St. All other Avenues are at right angles to Superior Street.

All Streets & Avenues are 66 feet wide, except Superior Street which is 80 feet wide.

Full Lots are 30 x 150 feet. Fractional or irregular Lots are so marked on the Plat.

Lots bounded by the Lake, extend to the navigable waters thereof, & include all riparian rights & privileges.

Upon the
East and
Southside

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St. Louis
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Street St.
line of St.
North line
Duluth

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John M.
Cathman

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Minister of
the Modern
said plat
as such
Gump Civil
of St. Paul
acknowledged
M. B. Smith
said plat

Witness my
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1900

